IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 550 of 2005

Between:

1 G.Rajeshwar, S/o.Rajanna,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
2 R.Muthanna, S/o.Muthanna,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
3 R.Pedda Muthavva, W/o.Narsaiah,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
4 Gadchanda Muthavva, W/o.Muthanna,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
5 R.Yellana, S/o.Yerranna,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
6 Peddinti Muthanna, S/o.Poshetty,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
7 R.Muthanna, S/o.Poshanna,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
8 U.Muthanna, S/o.Narasimhulu,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
9 N.Bhojanna, S/o.Devanna,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
10 R.Posani, W/o.Juvvanna,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
11 R.Posheti, S/o.Mallanna,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.

12 G.Bhumavva, W/o.Muthanna,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
13 R.Pedda Yellanna, S/o.Yerranna,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.

14 R.Posani, W/o.Bhojanna,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
15 G.Posani, W/o.Narsaiah,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
16 U.Adellu, S/o.Adellu,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
17 U.Posani, W/o.Linganna,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
18 R.Posani, W/o.Rajalingam,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
19 G.Laxmanna, S/o.Rajanna,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
20 R.Sayanna, S/o.Muthanna,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
21 Muthanna, S/o.Poshetty,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
22 R.Muthanna, S/o.Poshanna,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
23 R.Narasimhulu, S/o.Adellu,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
24 R.Karrenna, S/o.Poshanna,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
25 R.Poshanna, S/o.Ashanna,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
26 R.Poshetty, S/o.Pedda Yellanna,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
27 Renjerla Muthanna, S/o.Muthanna,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
28 G.Ramanna, S/o.Muthanna,
R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.
29 U.Muthanna, S/o.Narasimhulu,

R/o.Venkatapur village, Nirmal Mandal,
Adilabad District.

..... PETITIONERS

AND

1 The Mandal Revenue officer, Nirmal Mandal, Nirmal,

Adilabad District.
2 The Revenue Divisional officer, Adilabad District.
3 The District Collector, Adilabad District.
4 Government of Andhra Pradesh rep.by its Principal Secretary

Revenue Department Secretariat Buildings, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, one more particularly in the nature of writ of "Mandamus" declaring the action of the respondents in issuing proceedings No.A/9933/2004 dated 19-11-2004 seeking to unlawfully cancel the assignment made in favour of the petitioner and dispossess the petitioners under the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 and A.P. Assigned Lands (Prohibition of Transfer) Rules, 1977 by as being illegal, arbitrary, unconstitutional without jurisdiction and contrary to law and further direct the respondents not to interfere with the petitioner's rights in any manner and pass such other order or orders.

Counsel for the Petitioners: MR.S.NIRANJAN REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following:

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ORDER:

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Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue. Both the counsel agreed for disposal of the writ petition at the admission stage.

The petitioners claim to be assignees of various extents of land situated in Sy.No.535 of Venkatapur village, Nirmal Mandal of Adilabad District. The petitioners further claim that they are in possession of respective extents of land and cultivating the same. While so, the

1st respondent-Mandal Revenue Officer issued a show cause notice dated 19-11-2004 under Section 3 (2) of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), requiring them to show cause as to why they should not be evicted from their respective lands. It is stated that the petitioners had submitted their explanation to the show cause notice on 29.11.2004. The petitioners allege that no further action was taken on the explanations submitted by them and without passing final orders, the 1st respondent-Mandal Revenue Officer is trying to evict them from the subject land, without following due process of law. Hence, the present writ petition.

Since the explanation of the petitioners dated 29.11.2004 is said to be pending consideration before the 1st respondent/Mandal Revenue Officer and no final order is passed, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to consider the explanation submitted by the petitioners on 29-11-2004 and pass appropriate orders in accordance with law, expeditiously, preferably within a period of four weeks from the date of receipt of a copy of this order. Till passing of such orders, the petitioners shall not be evicted from their respective lands.

With the above directions, the Writ Petition is disposed of at the stage of admission. No costs.

Dated: 24.01.2005

Dsr/tvk

ASSISTANT REGISTRAR

To:

1 The Mandal Revenue officer, Nirmal Mandal, Nirmal,

Adilabad District.
2 The Revenue Divisional officer, Adilabad District.
3 The District Collector, Adilabad District.
4 The Principal Secretary, Government of Andhra Pradesh,

Revenue Department Secretariat Buildings, Hyderabad.

5. Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (OUT)

6. Two CD copies

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